ACTION EUR-00

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	DNI-00	DODE-00	DOTE-00	PDI-00	DS-00	DHSE-00	FAAE-00
	FBIE-00	UTED-00	VCI-00	H-00	TEDE-00	INR-00	IO-00
	JUSE-00	LAB-01	L-00	MOFM-00	MOF-00	VCIE-00	DCP-00
	NSAE-00	NSCE-00	OIC-00	NIMA-00	PA-00	PER-00	GIWI-00
	PRS-00	P-00	SCT-00	DOHS-00	SP-00	IRM-00	SSO-00
	SS-00	STR-00	TRSE-00	NCTC-00	ASDS-00	FMP-00	CBP-00
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SUBJECT: EP ISSUES TOUGH REPORT ON RENDITIONS

1.(SBU) SUMMARY: On February 14, the European Parliament adopted by vote (382-256-74) a report by the "Temporary Committee Investigating the Alleged Use of European Countries by the CIA for the Transportation and Illegal Detention of Prisoners". The report spreads its condemnations widely: first, the U.S. for conducting the "illegal" extraordinary renditions program; second, 13 European countries are named as having been complicit at different levels in alleged CIA kidnappings; and third, EU High Representative Javier Solana and former EU Counter-Terrorism Coordinator Gijs de Vries, who are accused of censoring documents requested by the Committee. The report does acknowledge a lack of concrete evidence for its allegations, though largely blames this on lack of cooperation from various parties. A long list of recommendations in the report include a call for Member States to conduct independent follow-up investigations.

2.(SBU) As expected, the EP's entire center-left supported the report. More surprising was the fact

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that nearly one third of the center-right EPP-ED MEPs voted in favor of the report or abstained, despite the fact that several of its "red-line" amendments were not adopted in the final vote. The division among conservatives is some indication of the degree of political and public momentum that the report had built up during a year of high-profile committee hearings. Nevertheless, the vote may be the end of the road for the report, at least within the EU institutions, where there is little appetite for acting on its recommendations. The EP committee tasked with follow-up will likely have a hard time keeping the issues on the EU radar screen. END SUMMARY

EP CONDEMNS EXTRAORDINARY RENDITIONS

3. (SBU) Over a year in the maki@ed "European Parliament Reged Use of European Coun Transportation and Ilers", drafted by Italo Fava, condemns extra "an illegal and systema the United States in thhsm." Recommendations @U Council and Member Stand forceful declaratioAdministration to put an ed`sp`gh y th of Europeittee's mandate was to Qthat the U.S. Central ied out torture or illrritory; that member stries had been involvedand that citizens committee: a journalis from the New York Times and the director of Qhe non-profit group Statewatch. The group also met in Washington with a number of U.S. officials, NGO representatives, and academics. Further, the report "thanks the former CIA agents who agreed to cooperate with the Temporary Committee, particularly at certain confidential meetings at which they confirmed the extraordinary rendition program had already begun during the 1990s." END BACKGROUND

EU GOVERNMENTS COMPLICIT

5. (U) According to the report, European airports were used for stopovers of CIA flights likely to have carried illegal prisoners, claiming that "at least 1,245 flights operated by the CIA have flown into European airspace or stopped over at European

airports." The report also accuses the CIA of "using civil aviation rules to bypass legal obligations for state aircraft." It also references

a meeting between U.S. officials, including Legal Adviser to the Secretary of State John Bellinger, and representatives of EU Member States on May 3, 2006, in which the existence of a rendition program was confirmed. The report quotes Bellinger as saying that the program had "always been applied in respect of the sovereignty of the countries involved."

6. (U) The Temporary Committee also claimed that "it is unlikely certain European governments were unaware of the extraordinary rendition activities taking place in their territory" and "condemns the condoning and concealing of the practice by the secret services and governmental authorities of certain European countries."

COUNCIL HELD THE TRUTH

7. (SBU) The Parliament also takes aim at the EU Council Secretariat, naming High Representative Solana and former EU Counter-Terrorism Coordinator Gijs de Vries. The latter announced his resignation two days before the report's release, although he said he resigned for unrelated reasons. The report accuses these officials of refusing to transmit internal Council documents to the committee at the request of the United States and "expresses concern at omissions in the statements made by Solana, regarding the Council's discussions and knowledge of the methods used by the United States in its campaign against terrorism". MEPs were able to obtain the same Council documents from other, "confidential" sources, thus revealing that the versions received by the Council were censored. One of the documents originates from an informal transatlantic meeting of EU and NATO foreign ministers, including Secretary of State Rice, on December 7, 2005, and reveals that Member States had knowledge of the renditions program. The committee also obtained comprehensive reports of meetings between the Council's Working Party on Public International Law (COJUR) and the Transatlantic Relations Working Party (COTRA) and senior representatives of the State Department on February 8 and May 3, 2006; the Council Presidency only provided them with summaries of these meetings.

NAMING AND SHAMING

8. (U) The report names 13 European countries (Italy, UK, Germany, Sweden, Austria, Spain, Portugal, Ireland, Greece, Denmark, Cyprus, Poland, and Romania) involved at different levels in CIA kidnappings. Prominent attention is given to specific cases in Austria, Italy, Poland, Portugal, UK, Romania, Spain, and Sweden. However, the report acknowledges a lack of concrete evidence. In an amendment passed with a narrow majority MEPs note, "it is not possible to acknowledge or deny that secret detention centers were based in Poland." On Romania, the report concludes "no definitive evidence has been provided to contradict any of the allegations concerning the running of a secret detention facility on Romanian soil."

EPP-ED DIVIDED ON THE ISSUE

9. (U) The liberal, Socialist, green, and leftist groups in the EP were mostly united in supporting the report, and the right-wing euroskeptic group UEN voted unanimously against it. However, the largest EP group, the center-right EPP-ED, was divided, largely along country lines. The EPP-ED "coordinator" in the temporary committee, Italian MEP Jas Gawronski, was a staunch opponent of the report, describing it as "a useless exercise in America-bashing" and calling for his group to vote against it in Plenary. On the other hand, Portuguese MEP Carlos Coelho, chairman of the temporary committee, supported the report and voted in favor.

10. (SBU) Gawronski tabled numerous amendments in an attempt to dilute the harsh tone of the report, but did not manage to build a majority for most of them. While 183 EPP-ED MEPs followed Gawronski and voted against the report, 37 voted in favor (including Belgian, Greek, Portuguese, some Slovak, some French, and three Irish MEPs) and 37 abstained (including Dutch, Spanish, some French, some Finnish, two British, and some Swedish MEPs). One contact in EPP-ED noted Fava was clever in the way he divided the report country by country. EPP-ED MEPs whose party was in power during the period covered by the report, but whose country was not/not implicated in the report, were more likely to vote in favor of the report. Additionally, in some cases, such as Ireland and Greece, MEPs whose party was in opposition during the period covered by the

report, and whose country was implicated in the report, also voted in favor.

FOLLOW-UP AND RECOMMENDATIONS

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11. (SBU) In his press conference after the vote, Gawronski stressed that the report had brought no new evidence. He noted that even the Council of Europe rapporteur on the issue, Swiss Parliamentarian Dick Mrty, had expressed his disappointment at the results of the inquiry. Gawronski quoted Marty as saying "The report just confirmed what I had already showed," wryly noting "the EP created a special committee of 46 Members and a permanent secretariat of 13 people; I worked alone." At his own, separate, press conference, Coelho stressed that he hoped the report would provide "food for thought" to national parliaments and judicial authorities as well as to the U.S. Congress should it pursue an investigation on these matters.

12. (SBU) The EP Civil Liberties (LIBE) Committee is tasked with following up on the report by monitoring further information and promoting implementation of the report's wide-ranging, but non-binding, recommendations. At a March 21 LIBE meeting MEPs expressed concern that the Council Secretariat had not issued any official reaction to the report and discussed how to ensure the report's recommendations were not ignored -- likely a difficult task. LIBE members will travel to Washington April 16-18 to discuss with Members of Congress a range of transatlantic issues related to Justice and Home Affairs. LIBE chairman Jean-Marie Cavada has encouraged the group to raise their concerns about extraordinary renditions with Members of Congress and with the U.S. press during that trip.

13. (U) The report recommends the Council press Member States to initiate hearings and independent investigations and inform the EU institutions of their actions. The report calls on Member States to do the following:

-- ratify and implement the 2003 U.S.-EU extradition agreement;

-- seek return of their citizens and residents from Guantanamo and compensate the victims of extraordinary renditions;

-- ensure authorizations granted to state and military aircraft contain guarantees that human rights will be respected and to reinforce the

monitoring of private non-commercial flights; and -- reinforce collaboration between intelligence services, while increasing parliamentary oversight of these services; and to forbid incommunicado detention during military operations.

14.(SBU) COMMENT: The hearings of the Temporary Committee garnered a bonanza of media coverage for Parliamentarians and fueled anti-U.S. public opinion in Europe. However, based on our informal soundings of MEPs and local pundits, the oxygen from this issue is dwindling in Brussels, and popular perceptions on the subject are already firmly fixed. With the temporary committee shut down, the issue is likely to fade off both the Parliament's and the other EU institutions' radar screens. Many EP contacts pointedly compared the committee to the 2001 temporary committee of inquiry into the alleged "Echelon" UK-U.S. spying system. The final Echelon report provided a full analysis of the possible existence of the system but never presented any concrete evidence and was soon forgotten. That said,any further related activity in capitals, such as individual Member States' investigations into these activities, is likely to draw the media's attention back to the new center of activity. END COMMENT.

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